

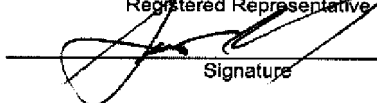
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

Our Case No. 9281-4673

Client Ref. No. S US02286

CERTIFICATE OF ELECTRONIC TRANSMISSIONI hereby certify that this correspondence is being filed electronically
with the U.S. Patent and Trademark Office on
October 4, 2006.Gustavo Siller, Jr., Reg. No. 32,305Name of Applicant, Assignee or
Registered Representative
Signature

Application Number:

10/736,924

Filed: 12/15/2003

First Named Inventor: Yasuhiro Ikarashi

Art Unit:
2817Examiner:
Shingleton, Michael B.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five(5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is
enclosed. (Form PTO/SB/96)☐ attorney or agent of record.
Registration number _____☒ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. 32,305.Signature Gustavo Siller, Jr.
Typed or Printed Name312-321-4200
Telephone numberNote: Signatures of all inventors or assignees of record of the
entire interest or their representative(s) are required. Submit
multiple forms if more than one signature is required, see below.*October 4, 2006
Date☒ *Total of 3 forms are submitted.

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office on October 7, 2006.

Gustavo Siller, Jr., Reg. No. 32,305

Name of Applicant, Assignee or
Registered Representative

Signature

Our Case No. 9281-4673
Client Ref. No. S US02286

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yasuhiro IKARASHI

Serial No.: 10/736,924

Filing Date: 12/15/2003

For: SIGNAL GENERATOR CAPABLE
OF VARYING FREQUENCY OF
AN OUTPUT SIGNAL OVER A
WIDE RANGE

Examiner: Shingleton, Michael B.

Group Art Unit: 2817

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS/ AF
Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted to accompany a Notice of Appeal. The remarks begin on page 2.

REMARKS

The final Office action issued on July 5, 2006, and a traversal of the rejections was submitted by the Applicant on August 31, 2006. An advisory action issued on September 15, 2006, maintaining the rejections.

The Examiner maintained the rejection of all of the pending claims: Claims 1, 5-21, 23-26 and 28-46.

Specifically, Claims 1, 5-12, 14 20, 26 and 28 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Hsieh (US 6,737,927; "Hsieh"), in view of Segawa et al. (US 6,442,818; "Segawa"), Park "A low-noise 900-MHz VCO in 0.6um CMOS" ("Park"), Kobayashi et al (US 5,311,402; "Kobayashi"), and Kertis et al. (US 6,650,194; "Kertis"); and, Claims 30-34, and 36-41 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Berquist et al. (US 6,542,044; "Berquist") in view of Van Amesfoort (US 5,712,596; "Van Amesfoort") and Segawa.

In the advisory action, the Examiner stated, at item 11, that the request for reconsideration does not place the application in condition for allowance because "[t]he definition of terminal that the applicant sets forth is more narrow than the broadest reasonable interpretation." [emphasis added]. As this is the aspect of the Applicant's traverse that was addressed in the advisory action, it must be presumed for the purposes of this paper, that the other grounds of rejection are moot. Nevertheless, the Applicant reiterates the remainder of the traverse presented in the paper of August 31, 2006.

"Claims must be read in view of the specification, of which they are a part." Phillips v. AWH Corp., 415 F.3d 1303, 1315 (Fed. Cir. 2005) (en banc) (internal quotations omitted). The specification is "[u]sually . . . dispositive" and "is the single best guide to the meaning of a disputed term." Id. In this case, however, the specification may not define the term "terminal" explicitly, but it may be argued that the specification and drawings define the terms implicitly, and would permit a person of ordinary skill in the art to differentiate between a connection and a terminal, particularly an "input terminal" and an "output terminal" as recited in Claim 1.

Where neither an explicit nor an implicit definition is found in the application, it is appropriate to look to dictionary definitions of the terms. See Phillips, 415 F.3d at 1322 ("Dictionaries or comparable sources are often useful to assist in understanding the commonly understood meaning of words and have been used

both by our court and the Supreme Court in claim interpretation.”). For the purposes of this paper, the Examiner’s conclusion that the word “terminal” is not defined explicitly or implicitly in the specification is accepted.

The Examiner has maintained that “the examiner must give the broadest reasonable meaning to the claims consistent with the specification and the examiner must give the plain meaning to the terms where these terms are not specifically defined in the specification.” (Office action of July 5, 2006 at page 10, 4th full paragraph).

The “plain meaning” or “commonly understood meaning” of a word would be understood by a person of ordinary skill in the art to be a dictionary definition, and not merely an expression of the Examiner’s interpretation or opinion. In the paper submitted August 31, 2006, an extract from the Webster’s Collegiate Dictionary 10th Edition was appended, and the extract is also appended to this paper for reference.

The Examiner asserted in the final rejection (page 10, 4th full paragraph, beginning at line 4) that:

A terminal can be any point of electrical connection. Most certainly a line between elements is contacted by the elements and this line is a terminal. A node is a terminal.

Webster’s dictionary states (in a technologically appropriate one of the meanings) that a terminal is:

a device attached to the end of a wire or cable or to an electrical apparatus for convenience in making connections. [emphasis added]

A “point” is not a “device”, and since the terminal is defined by the dictionary as being attached to a “wire or cable”, it cannot be the wire, cable, or line itself.

The Examiner may consider the actual comparison of the definition used in the rejection and the dictionary definition to be merely a matter of opinion, but the lack of substantiation for the Examiner's proposed definition is a clear error, and the rejection should be withdrawn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gustavo Siller, Jr.', is written over a horizontal line.

Gustavo Siller, Jr.
Registration No. 32,305
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

tequila sunrise *n* (1965): a cocktail consisting of tequila, orange juice, and grenadine
ter- comb form [L. *ter*; akin to Gk & Skt *trīs* three times, L *tres* three — more at **THREE**]; three times; threefold; three (centenary)
tera- comb form [ISV, fr. Gk *teras*, *teras* monster]: trillion (*terawatt*)
tera-byte \ter-ə-bīt/ *n* (1982): a unit of computer information storage capacity equal to about one trillion bytes; *specif*: 1,099,511,627,776 bytes

teral \tə-ri/ *n* [Tara], lowland belt of India (1888): a wide-brimmed double felt sun hat worn esp. in subtropical regions
ter-aph \ter-əf/ *n*, *pl* *ter-aphim* \ter-ə-fīm/ [Heb *teraphim* (pl. in form but sing. in meaning) (14c): an image of a Semitic household god
terat- or **terato- comb form** [Gk, fr. *teras*, *teras* marvel, portent, monster]: developmental malformation (*teratogenic*)
terato-car-ci-no-ma \ter-ə-tō-kār-ə-nō-mə/ *n* (1946): a malignant teratoma; esp.: one involving germinal cells of the testis
terato-gen \ter-ə-tō-jən/ *n* (1959): a teratogenic agent
ter-a-to-gen-e-sis \ter-ə-tō-jē-nə-sis/ *n* [NL] (1901): production of developmental malformations

ter-a-to-gen-ic \tē-jē-nik/ *adj* (1879): of, relating to, or causing developmental malformations (— substances) (— effects) — **ter-a-to-gen-ic-ity** \jō-ni-sə-ti/ *n*

ter-a-to-log-ic-al \ter-ə-tō-lō-jē-ki-kəl/ or **ter-a-to-log-ic** \jē-ki-kəl/ *adj* (1857): abnormal in growth or structure 2: of or relating to teratology
ter-a-tol-o-gy \ter-ə-tō-lō-jē/ *n* (ca. 1842): the study of malformations or serious deviations from the normal type in organisms — **ter-a-tol-o-gist** \jē-ki-kəl/ *n*

ter-a-to-ma \ter-ə-tō-mə/ *n* [NL] (1879): a tumor made up of a heterogeneous mixture of tissues
tera-watt \ter-ə-wāt/ *n* (1970): a unit of power equal to one trillion watts

ter-bi-um \ter-bē-əm/ *n* [NL, fr. *Ytterby*, Sweden] (1843): a usu. trivalent metallic element of the rare-earth group — see **ELEMENT** table
terce \ter-s/ *n*, *often* *cap* [ME, third, *terce* — more at **TERCE**] (14c): the third of the canonical hours

ter-coil \ter-səl/ *v* **TERCE**
ter-cent-e-nar-y \ter-ˈsen-tē-nə-ri/ (Jor-ˈsen-tē-nə-ri/ *n*, *pl* *-ries* (1855): a 300th anniversary or its celebration — **tercentenary**
ter-cent-e-ni-al \ter-ˈsen-tē-nē-əl/ *adj* or *n* (1872): **TERCENTENARY**

ter-cet \ter-sət/ *n* [It *terzetto*, fr. dim. of *terzo* third, fr. L *tertius* — more at **THIRD**] (1598): a unit or group of three lines of verse: a: one of the 3-line stanzas in terza rima b: one of the two groups of three lines forming the sestet in an Italian sonnet

ter-e-bin-th \ter-ə-bīn(θ)-əm/ *n* [ME *terebint*, fr. MF *terebinte*, fr. L *terebinthus* — more at **TURPENTINE**] (14c): a small European tree (*Pistacia terebinthus*) of the cashew family yielding turpentine

ter-go \tə-ˈrō(ˌdō, -rā-ə/ *n*, *pl* *teredos* or *teredos* \tə-ˈrē-də/ [ME, fr. L *teredin*, *teredin*, fr. Gk *teredin*; akin to Gk *teretainos* to bore — more at **THROW**] (14c): a shipworm

terephthalic acid \ter-ə(ˈf)-thā-jāk/ *n* (1868): a salt or ester of terephthalic acid; esp.: a dimethyl-ester that is a major starting material for polyester fibers and coatings

terephthalic acid \ter-ə(ˈf)-thā-jāk/ *n* [ISV *terebene*, mixture of terpenes from distilled turpentine + *phthalic acid*] (1857): a *p*-dicarboxylic acid $C_{10}H_8O_4$ that is obtained esp. by oxidation of xylene and is used chiefly in the synthesis of polyesters

ter-ete \tə-ˈrēt, -ē/ *adj* [L *teret*, *teret* well turned, rounded; akin to L *terere* to rub — more at **THROW**] (ca. 1619): approximately cylindrical but usu. tapering at both ends (a seedpod)

Te-reus \tī-ˈrūs, -rūs/ *n* [L, fr. Gk *Tereus*]: the husband of Procne who rapes his sister-in-law Philomela

ter-gite \ter-ˈgīt/ *n* [NL *tergum*] (1885): the dorsal plate or dorsal portion of the covering of a metameric segment of an arthropod; esp.: one on the abdomen

ter-giv-er-sate \ter-ˈjə-var-sāt, -sāt/ *adj* (1879): *ter-giv-er-sat* *v* **sat-ed**; *sat-ing* [L *tergiversatus*, pp. of *tergiversari* to shirk reluctance, *tergum* back + *versare* to turn, freq. of *vertere* to turn — more at **WORK**] (1654): to engage in tergiversation — **ter-giv-er-sat-er** \-sāt-er/ *n*

ter-giv-er-sa-tion \ter-ˈjə-var-sā-shən, -gē/ *n* (1570): 1: evasion of straightforward action or clear-cut statement: **EQUIVOCATION** 2: desertion of a cause, position, party, or faith

ter-gon \ter-ˈgən/ *n*, *pl* *ter-ga* \-gə/ [NL, fr. L, back] (ca. 1826): the dorsal part or plate of a segment of an arthropod — **ter-gal** \-gəl/ *adj*
ter-i-ya-ki \ter-ē-yā-kē/ *n* [Jp, fr. *teri* glaze + *yaki* broil] (1962): a Japanese dish of meat or fish that is grilled or broiled after being soaked in a seasoned soy sauce marinade

term \tərm/ *n* [ME *terme* boundary, end, fr. OF, fr. L *terminus*; akin to Gk *termin* boundary, end, Skt *tarman* top of a post] (13c): 1 a: **END**, **TERMINATION**; also: a point in time assigned to something (as a payment) b: the time at which a pregnancy of normal length terminates (had her baby at full term) 2 a: a limited or definite extent of time; esp.: the time for which something lasts: **DURATION**, **TENURE** (— of office) (lost money in the short term) b: the whole period for which an estate is granted; also: the estate or interest held by one for a term c: the time during which a court is in session 3 *pl*: provisions that determine the nature and scope of an agreement: **CONDITIONS** (— of sale) (liberal credit terms) 4 a: a word or expression that has a precise meaning in some uses or is peculiar to a science, art, profession, or subject (legal terms) b *pl*: expression of a specified kind (described in glowing terms) 5 a: a unitary or compound expression connected with another by a plus or minus sign b: an element of a fraction or proportion or of a series or sequence 6 *pl* a: mutual relationship: **FOOTING** (on good terms) b: **AGREEMENT**, **CONCORD** (come to terms) 7: any of the three substantive elements of a syllogism 8: a quadrangular pillar often tapering downward and adorned on the top with the figure of a head or the upper part of the body 9: division in a school year during which instruction is regularly given to students — **in terms of**: with respect to or in relation to (thinks of everything in terms of money) — **on one's own terms**: in accordance with one's wishes: in one's own way (prefers to live on his own terms)

term *v* (ca. 1557): to apply a term to: **CALL**, **NAME**
term-a-gant \ter-mə-gənt/ *n* [ME] 1 *cap*: a deity erroneously ascribed to Islam by medieval European Christians and represented in

early English drama as a violent character 2: an overbearing, arrogant woman: **SHREW**

term-a-gant *adj* (1596): **OVERBEARING**, **SHREWISH**
term-er \ter-mər/ *n* (1634): a person serving for a specified term

term-i-nal \ter-mə-nəl/ *n* (1634): a person serving for a specified term a political office or in prison (a first term)
ter-mi-na-ble \ter-mə-nə-bəl, -mən-ə-ˈbəl/ *adj* [ME, fr. *terminen* to terminate, fr. MF *terminer*, fr. L *terminare*] (15c): capable of being ended — **ter-mi-na-ble-ness** *n* — **ter-mi-na-ble-ly** \-bəl-ē/ *adv*

ter-mi-nal \ter-mə-nəl, -mən-ə-ˈnəl/ *adj* [L *terminalis*, fr. *terminare* to end] 1 a: of or relating to an end, extremity, boundary, or terminus (a terminal pillar) b: growing at the end of a branch or stem (a terminal bud) relating to, or occurring in a term or each term (— payment) c: leading ultimately to death: **FATAL** (— cancer) d: approaching close to death: being in the final stages of a fatal disease (a terminal illness) e: extremely or hopelessly severe (— boredom) 3 a: occurring constituting the end of a period or series: **CONCLUDING** (the terminal moments of life) b: not intended as preparation for further work (a terminal curriculum) *syn* see **LAST** — **ter-mi-nal-ly** *adv*

terminal *n* (1831): 1: a part that forms the end: **EXTREMITY**, **NATION** 2: a terminating usu. ornamental detail: **FINIAL** 3: a: attached to the end of a wire or cable or to an electrical apparatus for convenience in making connections 4 a: either end of a cable having facilities for the handling of freight and passengers b: a passenger station that is central to a considerable area or a junction at any point with other lines c: a town or city at the end of a carrier line: **TERMINUS** 5: a combination of a keyboard and device (as a video display unit) by which data can be entered

terminal leave *n* (1944): a final leave consisting of accumulated leave granted to a member of the armed forces just prior to ratification or discharge from service

terminal side *n* (1927): a straight line that has been rotated to point on another line to form an angle measured in a clockwise counterclockwise direction — **compare** **INITIAL SIDE**

ter-mi-nate \ter-mə-nət/ *adj* [ME, fr. L *terminatus*, pp. of *terminare*] (15c): coming to an end or capable of ending

ter-mi-nate \-nāt/ *vb* **nat-ed**; **nat-ing** *v* (1610): 1: to extend to a limit (as a point or line); esp.: to reach a terminus 2: to bring to an end (— a marriage by divorce) (— a transmission line) b: to bring to a conclusion (review questions — each chapter) c: to bring to an end the employment of (workers terminated because of slow business) d: to serve as an ending, limit, or boundary of *syn* see **CLOSE**

terminating decimal *n* (ca. 1909): a decimal which can be expressed as a finite number of figures or for which all figures to the right of the decimal point are zero — **compare** **REFRACTING DECIMAL**

ter-mi-na-tion \ter-mə-nā-shən/ *n* (ca. 1500): 1: end in time; esp.: **CONCLUSION** (the termination of life) 2: the last part of a series: **INFLECTION** ending 3: the act of terminating 4: a limit or extent: **BOUND** 5: **OUTCOME**, **RESULT** — **ter-mi-na-tion-ally** *adv*

ter-mi-na-tive \ter-mə-nā-tiv/ *adj* (15c): tending or serving to terminate: **ENDING** — **ter-mi-na-tive-ly** *adv*

ter-mi-na-tor \-nā-tər/ *n* (1770): 1: the dividing line between the illuminated and the unilluminated part of the moon's or a planet's surface: one that terminates

ter-mi-nol-o-gy \ter-mə-nā-lō-jē/ *n*, *pl* *-gies* [ML *terminus* expression (fr. L, boundary, limit) + *E* -o- + *-logy*] (1801): 1: the use of special terms used in a business, art, science, or special science: nomenclature as a field of study — **ter-mi-nol-o-gi-cal** \-mō-lō-jē/ *adj* — **ter-mi-nol-o-gi-cal-ly** \-jē-kē-ˈlē/ *adv*

term insurance *n* (1897): insurance for a specified period that provides for no payment to the insured except on losses during the period that becomes void upon its expiration

ter-mi-nus \ter-mē-nəs/ *n*, *pl* *-ni*, *-na* or *-muses* [L, bound, end — more at **TERM**] (ca. 1617): 1: a final goal: a finishing line; a post or stone marking a boundary 3: either end of a transmission line or travel route; also: the station, town, or city at which a journey terminates

TERMINAL 4: an extreme point or element: **TOP** (the terminal point of a line) 5: a first limiting point in time

terminus ad quem \-ād-ˈkwēm/ *n* [NL, lit., limit to which] (ca. 1600): a goal, object, or course of action: **DESTINATION**, **PURPOSE** — **terminus ad quem** *adv*

terminus a quo \-ā-ˈkwō/ *n* [NL, lit., limit from which] (ca. 1550): a point of origin 2: a first limiting point in time

ter-mi-tar-i-um \ter-mə-ˈtēr-ē-əm, -mī-/ *n*, *pl* *-ia* \-ē-/ [NL] (1879): a termite nest

ter-mi-tary \ter-mə-ˈtēr-ē, -mī-/ *n*, *pl* *-tar-ies* (1826): a termite

ter-mite \ter-mīt/ *n* [NL *Termit*, *Termites*, genus of termites that eats wood, alter. of L *termitis*, *termites*; akin to Gk *termitis* to bore — more at **THROW**] (1781): any of numerous pest-colony-bodied social insects (order Isoptera) that live in colonies and feed on wood, and include some which are very destructive to structures and trees — called also *white ants*

term-less \tərm-ləs/ *adj* (ca. 1541): 1: having no term or end: **LESS**, **UNENDING** 2: **UNCONDITIONED**, **UNCONDITIONAL**

term paper *n* (1926): a major written assignment in a school or college course representative of a student's achievement during a term

tern \tərn/ *n* [of Scand origin; akin to Dan *terne* tern] (1678): various chiefly marine birds (subfamily Sterninae) of the family Suidae and esp. genus *Sterna* that differ from the related gulls in size, a more slender build, a sharply pointed bill, narrower wings, and often forked tail

ter-na-ry \ter-nə-ri/ *adj* [ME, fr. L *ternarius*, fr. *terni* three + *tri* to L *tres* three — more at **THREE**] (15c): 1 a: of, relating to, or consisting of three b: having three elements, parts, or divisions (ternary rhythm) 2: using three as the base (a ternary system) 3 a: being or consisting of an alloy of three elements relating to, or containing three different elements, atoms, or groups (sulfuric acid is a ternary acid) b: third in order or rank (a ternary position) — **ter-na-ry-ly** *adv*

ter-na-ry \ter-nā-ˈrē, -nā-/ *adj* [NL *ternarius*, fr. ML, pp. of *ternare* to range, fr. L *terni*] (1760): arranged in threes or in subdivisions ranging (a ternary leaf) — **ter-na-ry-ly** *adv*

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